

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN Re:)	CASE NO.: 12-18377-jps
)	
JOHNNY D. ADKINS)	CHAPTER 13
KAREN A. ADKINS)	
)	
)	JUDGE PRICE SMITH
Debtor.)	
)	<u>AMENDED MOTION FOR TURNOVER</u>

Now come Debtors Johnny D. and Karen A. Adkins, by and through their undersigned counsel, and moves this Honorable Court for an Order for Turnover of Funds as set forth:

1. The within Chapter 13 case was filed on November 14, 2012.
2. As part of the Plan which was confirmed on February 4, 2013, Debtors cured an arrearage to Wells Fargo/OCWEN Loan Servicing relating to their real property at 18135 Marcela Road, Cleveland, Ohio 44119.
3. Additionally, the Plan provided for a conduit payment to Wells Fargo/OCWEN Loan Servicing in the amount of \$865.00 per month, as may have been amended from time-to-time based on changes in escrow.
4. On June 17, 2016, OCWEN Loan Servicing filed its Certificate of Release of Mortgage indicating that all amounts due have been paid.
5. The Chapter 13 Trustee, not being made aware of this event, continued to make payments on the arrearage and conduit payment, to the detriment of Debtors in the amount of \$4,860.00.
6. The conduit payment being made by the Trustee for the duration of the plan included homeowner's insurance but not real estate taxes.

7. Debtors have just found out that OCWEN Loan Servicing stopped paying Liberty Mutual Insurance Company for homeowner's premiums in 2012. According to the policy declarations the notice of payment provided by Liberty Mutual, the last payment made by OCWEN for the annual homeowner's insurance premium of \$2,325.00 was made on October 12th. OCWEN failed to pay Liberty Mutual for the years 2013, 2014, 2015, 2016.
8. During the afore-mentioned years, OCWEN was paid a total of \$9,300.00 to be provided to Liberty Mutual for homeowner's insurance but failed to do so.

WHEREFORE, Debtors request an Order against Wells Fargo/OCWEN Loan Servicing to refund to debtors the sum of \$4,860.00 for mortgage payments made subsequent to the release of the mortgage; and for the sum of \$9,300.00 for the portion of conduit payment made during the course of the Chapter 13 plan that was intended to provide homeowner's insurance.

Respectfully submitted,

/s/ Irving S. Bergrin

Irving S. Bergrin (0010100)
27600 Chagrin Blvd, Suite 340
Cleveland, OH 44122
(216) 831-3424 – Telephone
(216) 831-6584 – Facsimile
ibergrin@aol.com
Attorney for Debtors

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **Amended Motion for Turnover** was served to the following on January 13, 2017.

Craig Shopneck, Chapter 13 Trustee
CH13shopneck@ch13cleve.com

Via ECF

OCWEN Loan Servicing
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409

Via Regular US Mail

Daniel C. Wolters, Esq.
P.O. Box 165028
Columbus, OH 43216

Via Regular US Mail

/s/ Irving S. Bergrin
Irving S. Bergrin (0010100)
Attorney for Debtors

CUYAHOGA COUNTY
FISCAL OFFICE - 1
06/17/2016 09:42:13 AM
201606170109

Recording Requested By: OCWEN LOAN SERVICING, LLC
When Recorded Return To: LIEN RELEASE, OCWEN LOAN SERVICING, LLC 240 TECHNOLOGY
DRIVE, IDAHO FALLS, ID 83401

CERTIFICATE OF RELEASE

OCWEN LOAN SERVICING, L.L.C. #0707381688 "ADKINS" Lender ID: SIPP-2860 Cuyahoga, Ohio

KNOW ALL MEN BY THESE PRESENTS that WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE
POOLING AND SERVICING AGREEMENT DATED AS OF FEBRUARY 1, 2005 PARK PLACE
SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-WHQ1 BY
OCWEN LOAN SERVICING, LLC, ITS ATTORNEY-IN-FACT holder of a certain Mortgage, to secure
the payment of \$90,000.00 whose parties, dates and recording information are below, does hereby
cancel and discharge said Mortgage :

Original Mortgagor: JOHN ADKINS AND KAREN ADKINS A/K/A KAREN KAUSEK A/K/A KAREN A.
KAUSEK

Original Mortgagee: ARGENT MORTGAGE COMPANY, LLC

Dated: 11/15/2004 Recorded: 11/19/2004 In Book/Reel/Liber: N/A Page/Folio: N/A as Instrument
No.: 200411190763, in the County of Cuyahoga State of Ohio

Property Address: 18135 MARCELLA ROAD, CLEVELAND, OH 44119

IN WITNESS WHEREOF, the undersigned, by the officer duly authorized, has duly executed the
foregoing instrument.

WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT
DATED AS OF FEBRUARY 1, 2005 PARK PLACE SECURITIES, INC. ASSET-BACKED
PASS-THROUGH CERTIFICATES SERIES 2005-WHQ1 BY OCWEN LOAN SERVICING, LLC, ITS
ATTORNEY-IN-FACT POA: 09/19/2014 as Instrument No.: 201409190410

On JUN 14 2016

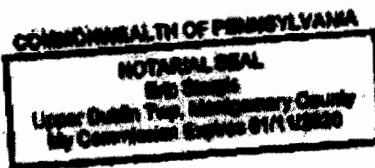
By Jennifer Price
Jennifer Price, Authorized Signer

STATE OF Pennsylvania
COUNTY OF Montgomery

On JUN 14 2016, before me, ERIC STURGIS, a Notary Public in and for Montgomery in the
State of Pennsylvania, personally appeared Jennifer Price, Authorized Signer, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

Eric Sturgis
ERIC STURGIS
Notary Expires: 01/11/2020 #1295560



Policy Declarations



A summary of your homeowners insurance coverage

Reason for your new declarations page: Cancellation

Forms and endorsements shown are made part of your policy cancellation effective 10/28/2013

INSURANCE INFORMATION

Named Insured
John Adkins
Karen Adkins

Policy Number
H32-288-191320-60

Mailing Address
18135 Marcella Rd
Cleveland OH 44119-2617

Policy Period
10/28/2013-10/28/2013 12:01AM
standard time at the address of the
Named Insured at Insured Location.

Insured Location
Same as Mailing address above

QUESTIONS ABOUT YOUR POLICY?

By phone
For service:
1-800-225-7014

Liberty Mutual
100 Lincolnway West
Mishawaka IN 46544

Prudential Financial Professional
David Hamm
1-440-951-6497

To report a claim
By phone
1-800-225-2467

Change Detail

The premium credit for above changes is \$2,325, which is included in your total policy premium.

Mortgage Information

Mortgages 1:

OCWEN LOAN SERVICING LLC
ISAAC
LOAN NO: 107481666
Springfield, OH 45501-6723

LibertyGuard® Deluxe Homeowners Policy Declarations
Coverage provided and underwritten by Liberty Mutual Fire Insurance Company, Boston MA.

This policy, including endorsements listed above, is countersigned by:

Dexter R. Legg

Dexter R. Legg
Secretary

David H. Long

David H. Long
President

Stephen J. McAnena

Stephen McAnena
Authorized Representative

- No Payments made to insurance 2013, 2014, 2015, 2016 by Ocwen.
- monthly payments were made to Ocwen totaling 48 months for mortgage AND PI.

Insurance was included in house payment
that Ocwen "NEVER" Paid since "Oct 2012"



Ocwen Loan Servicing, LLC
WWW.OCWEN.COM
Helping Homeowners is What We Do™

1881 Worthington Road, Suite 100
West Palm Beach, FL 33414
Toll Free: (800) 746-2936

Date 01/06/2017

VERIFICATION OF MORTGAGE ACCOUNT

Loan Number : 707381588

Customer Name : John Adkins
Co-borrower1 Name : Karen Adkins

Property Address : 18135 Marcella Rd, Cleveland, OH, 44119-2617
Origination Date : 11/15/2004
Original Loan Amount : \$90,000.00
Current Interest Rate : 8.25%

Type of Loan : Fixed Rate
Loan Term : 360
Current Unpaid Balance : \$0.00

(The above balance does not represent a payoff figure nor will this amount satisfy this mortgage)

P&I Payment : \$678.14 / PITI Payment : \$935.08
Forbearance Payment Amount (if applicable) : 0

Last Pay Date : 05/13/2016
Next Contractual Due Date : 10/01/2015
Next Forbearance Due Date (if applicable) :

Number of times account has been delinquent while serviced by Ocwen (up to twelve months):

Late30	0	Late60	0	Late90	0	Late120	0	Late150	0	Late180	1
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The information provided is in response to your request for a Verification of Mortgage. IT IS NOT OUR POLICY TO DISCLOSE INFORMATION SUCH AS CREDIT RATINGS, COMMENTS REGARDING CREDIT WORTHINESS OR A COMPLETE PAYMENT HISTORY OF THE ACCOUNT.

If you have any questions, please call or fax our Customer Care Center at the numbers provided below.

Fax Number : (407) 737-6300

Phone Number : (800) 746-2936

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This communication is from a debt collector attempting to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is not intended as and does not constitute an attempt to collect a debt.

NMLS #:1852

Statement from Insurance Showing non payment from Ocwen.

H32- Effective date 10/28/13 Expiration date 10/28/14 Policy status Canceled*
 288- Billing Changes
 191320-
 60

GSP 000000000088781 Account Pol not Equity date 00/00/00
 Discount Client Change Number on Acct

Name 1 ADKINS, JOHN New/renew Renew Referral Source Pru Retail Policy Term 12-
 Months

Name 2 ADKINS, KAREN Policy state OH Policywriting source Policywriting Cancellation effective date 10/28/13

Residential Address 18135 Sales office 0694 First year 2003 Hold Billing No
 MARCELLA RD
 CLEVELAND,
 OH 44119-
 2617

Sales rep / broker 0000 Last comment date 00/00/00 Hold Refund No
 Billing Comments

Billing method Bill to Mortgage Holder Billing frequency Pay in Full Paperless bill No
 EFT authorization Policy balance .00 Billing day 04 Grandfathered EFT No
 Policy total premium .00 Policy total cash received .00 Next bill date Bills issued 2
 Policy unbilled .00 Policy billed unpaid .00 Next bill due date Bills remaining 0
 Pending refund Brand Liberty Returned Item Count 0

Policy Transaction Detail

Date posted	Check	Acct Bill	Transaction description	Cash received or Due date	Effect date	Expir date	Past due amount	Current due amount	In full amount
Page 1 of 1									
01/17/14			POL NOT TAKEN/NON PAYMENT		10/28/13	10/28/13			2,325.00CR
01/16/14			STOP-SERVICE NOTICE ISS'D		01/11/14				.00
01/16/14			POLICY EFFECTIVELY CANC'D		01/11/14				.00
12/27/13			NON PAY ISSUED		01/11/14				2,325.00
12/04/13	NONE		STANDARD POLICY BILL	12/24/13			2,325.00	2,325.00	2,325.00
11/04/13			LTR TO PH-2ND MORT		11/04/13				.00

2nd

11/04/13

BILL
BILL
ISSUED
TO
MORTGAGEE

11/24/13

2,325.00 2,325.00 2,325.00

1st

10/04/13

BILL
ISSUED
TO
MORTGAGEE

10/24/13

.00

2,325.00 2,325.00

09/23/13

PREMIUM/RENEWAL

10/28/13 10/28/14

2,325.00

Created with Microsoft OneNote 2013.